

**FREDERICK COUNTY LIQUOR BOARD**  
***Public Meeting Minutes***  
***Monday, September 24, 2012***

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Those Present: Mr. James E. McClellan, Chairman  
Mr. Richard E. Zimmerman, Board Member  
Mrs. Maggi Hays, Board Member  
Mrs. Linda B. Thall, Sr. Assistant County Attorney  
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector  
Mr. Frank Rauschenberg, Alcoholic Bev. Inspector  
Ms. Kathy L. Vahle, Administrator  
Mrs. Sandra Rees, Administrative Specialist IV  
Mrs. Penny Bussard, Administrative Specialist IV

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A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **Census Policy**– Ms. Vahle stated two people who spoke during the Hearing had submitted their comments. One felt that the process should be a lottery and that it is not appropriate for the Board to issue a license based on a history of civic activity, a business plan, proximity to other licensed places or knowledge of products that are ever changing. The other suggestion was that there be a large map containing all the districts and businesses and everything should be color coded to show where they are located. As part of the application process a smaller copy of the map would then be submitted by the applicant displaying the applicant's location in relation to already established licenses. Mr. Zimmerman said he would like more time to review the information that was presented at the hearing. The Board agreed to discuss it at the next public meeting.
2. **County Delegation Task Force** - Ms. Vahle asked the Board if they had any issues to be discussed at the meeting on November 9<sup>th</sup>, 2012. She stated she had a call from a man who lived in Washington County and he will be attending this meeting and discussing over serving in the establishments. The Board had no further issues to present.
3. **Old Town Diner II** – Ms. Vahle stated this establishment has several violations. The Board decided to schedule a Violation Hearing.

4. **MiCasa Restaurant** – Ms. Vahle stated she received a request to add a live DJ, karaoke and a pool table. Inspector DeLauter, stated that there have been complaints about this establishment.

**MOTION:** Mr. Zimmerman made a motion to approve this request contingent upon obtaining the necessary permits and Liquor Inspector approval.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman - Aye  
Mrs. Hays - Aye  
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

5. **Classic Cigars and British Goodies** – Ms. Vahle received a notice from Chief Dine regarding an offensive sign in Yiddish that had been placed in front of this establishment. Mrs. Thall explained that the City had them remove the sign because the City Ordinance only allows signs out to advertise for the business.
6. **NAC Meeting** – Ms. Vahle stated there is going to be a meeting on September 25, 2012 at 7 PM at the Annex to discuss late night downtown issues. The Board agreed to attend the meeting.
7. **Café Nola** - Inspector Rauschenberg stated that this establishment has a rope as a barrier around their outside area and the crowd is so big that they are moving the rope into the sidewalk area. Ms. Vahle stated that the outside area is in the City right of way and it may be a City ordinance violation.
8. **Isabella's Restaurant** - Inspector Rauschenberg stated Isabella's outside permit expired. Mrs. Rees will follow up on this.
9. Decision Required: New

RE: Dawit Tsegaye  
and John M. Thompson for the  
use of DTT Oil LLC  
t/a East Patrick Liberty

826 East Patrick St.  
Frederick, Maryland 21701  
Class A, Off Sale, Beer Only

The Board held a hearing for a new license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). Pending items are: Zoning approval, Occupancy Permit, the Traders License. Ms. Vahle stated that Mr. Thompson has been on this license from December 27, 2010 to August 15, 2012 and there was one violation for Sales to Minors while he was a licensee. A \$400 fine was assessed by the Board. Mr. Tsegave stated he did apply for the permits and has taken the Alcohol Awareness course. Inspector Rauschenberg stated they are compliant.

**MOTION:** Mr. Zimmerman made a motion for a conditional approval until October 29, 2012.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman - Aye  
Mrs. Hays - Aye  
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

10. Decision Required: Violation

RE: Thomas E. Miller  
for the use of TMI Auto  
Liquidators, LLC  
t/a Guido's  
543 North Market Street  
Frederick, Maryland 21701  
Class B, On Sale, Beer, Wine & Liquor  
License Number 11BL 1174  
FCLB Case Number: 5961

The Board held a violation hearing on a charge that the licensees either directly or through an employee knowingly furnished alcoholic beverages to Amanda Marie Harvey, who was visibly under the influence of alcoholic beverages. Mrs. Thall swore in the

licensee and potential witnesses. (See Attached Sign In Sheet). The licensee pled Not Guilty to the charge. Officer Payne testified that she was unable to tell where Miss Harvey had been drinking. Mr. Miller the licensee stated that Miss Harvey was with a group of people that were belligerent and were refused service. Mrs. Thall asked that the charge be dismissed.

**MOTION ONE:** Mr. Zimmerman made a motion to dismiss the charges.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman – Aye  
Mrs. Hays - Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

11. Decision Required: Violation

RE: Michael J. Mercer, Jason  
Miller and Christopher D.  
Parsell for the use of The Wine  
Kitchen II, LLC  
t/a The Wine Kitchen  
50 Carroll Creek Way  
Suite 140  
Frederick, MD 21701  
Class B, On Sale Beer, Wine and Liquor  
License Number: 11BL 3420  
FCLB Case Number: 5960

The Board held a violation hearing on a charge that an employee, John McCain, consumed an alcoholic beverage on the premises while on duty in violation of Section 6.3 of the Board's Regulations. Mrs. Thall swore in the licensee and potential witnesses. (See Attached Sign In Sheet). The licensees pled Guilty to the charge. Mr. McCain, the Manager, stated that the bartender poured him an ounce of alcohol and asked him if it was good. He took two sips and placed the glass back in the dish rack and determined that the wine was okay. Ms. Vahle stated the license was issued September 21, 2011. There was a violation for Failing to Pick up the Renewal on Time and the fine was \$50.

**MOTION ONE:** Mr. Zimmerman made a motion for a \$300 fine, the fine to be suspended for 90 days unless there is another occurrence.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman – Aye  
Mrs. Hays – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nay – 0**  
**(Motion Passed)**

12. Decision Required: approval of the Public Meeting Minutes for September 17, 2012.

**MOTION:** Mr. Zimmerman made a motion to approve the Public Meeting Minutes for September 17, 2012 but to amend the Minutes to reflect in paragraph #9 that the Liquor Inspector verifies the amount of the liquor before and after the bulk transfer is received.

**SECOND:** Mrs. Hays seconded the motion.

**FURTHER DISCUSSION**

**ON THE MOTION:** There was no further discussion on the motion.

**VOTE:** Mr. Zimmerman – Aye  
Mrs. Hays – Aye  
Mr. McClellan – Aye

The vote was unanimous. **Aye – 3 Nays – 0**  
**(Motion Passed)**

**ADJOURN**

The meeting was adjourned at 9:32 am.

Respectfully submitted,

Kathy Vahle, Administrator  
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees